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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/865,283	05/29/2001	Herbert Jainek	178/49984	5170	
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CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300			EXAMINER		
			MENON, KRISHNAN S		
WASHINGTON, DC 20044-4300			ART UNIT	PAPER NUMBER	
			1723		
			DATE MAILED: 09/25/2003	DATE MAILED: 09/25/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Exeminer Art Unit Frishnan S Menon 1723 1724 1723 1724 1723 1724 1723 1724 1723 1724 1723 1724 1723 1724 1723 1724 1723 1724 1723 1724 1723 1724 1723 1724 1723 1724 1723 1724 1723 1724 1724 1724 1723 1724 1							
## Deficies Action Summary ## The MAILING DATE of this communication appears on the cover shift with the correspond nea address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Editorizing of time may be available under the provisions of 37 CFR 1.138(a). In no evert, however, may a reply be timely filled ## The period for reply specified above, the nanthum statutory period will exply and will exply solve the mailing date of this communication. ## The period for reply specified above, the nanthum remains date of this communication. ## Any two preceded by the Official will have the maining date of this communication, explication is of this communication. ## Any two preceded by the Official will have the maining date of this communication, explication and the maining date of this communication. ## Any two preceded by the Official will have been except for formal matters, prosecution as to the ments is closed in accordance with the practice under Explore Quayle, 1935 C.D. 11, 453 O.G. 213. ## Disposition of Claims ## Any two preceded and the practice under Explore Quayle, 1935 C.D. 11, 453 O.G. 213. ## Claim(s) 1 and 4-8 is/are pending in the application. ## Application Papers ## Appl			Application No.	Applicant(s)			
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2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)			,,				
	2) 🔲 Notice	of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal				

Application/Control Number: 09/865,283

Art Unit: 1723

DETAILED ACTION

Claims 1 and 4-6 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- 1. Determining the scope and contents of the prior art.
- 2. Ascertaining the differences between the prior art and the claims at issue.
- 3. Resolving the level of ordinary skill in the pertinent art.
- 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1,4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 97/28880 in view of Baumann et al (US 5,688,396).

WO '880 teaches a filter (see abstract and specification) comprising a housing (1-fig 1, 21 fig 2), a filter element in the housing (28-fig 2), a supporting body to the filter (29,30), a drain opening (23 fig 2, 3-fig 1), which is sealed during normal operation and open for filter replacement, drain being sealed by a steel plate spring fixed at one end and the free end of which seals the drain opening (see fig 1-4), the plate spring actuated by a shoulder (29) of the supporting body (see fig 2) as in instant claim(s) 1. The supporting body has a spring action element which seals or opens the drain opening as in instant claim(s) 4 (see the text and fig 2).

Application/Control Number: 09/865,283

Art Unit: 1723

1. 1

WO 880 is silent on the details of the filter like the filter cover and the inlet and outlet as in instant claim(s) 1, and the construction of the filter element being zig-zag fold having end discs as in instant claim(s) 5. Baumann teaches the filter with cover (4), inlet and outlet (23,30 fig 1) and zig-zag folded filter paper and end discs (63,64) for insertion in the supporting body (col 4 lines 1-5). It would be obvious to one of ordinary skill in the art at the time of invention to have a cover to close the filter element in the support body, and inlet for fluid to be filtered to enter the filter and outlet for the filtered fluids as required for the proper functioning of the filter and use a zig-zag folded filter paper element as taught by Baumann in the teachings of WO '880 for an acceptable filter embodiment for a combustion engine environment as taught by Baumann (col 1 lines 5-19).

Allowable Subject Matter

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter. The closest reference is WO'880. WO'880 does not teach a hole in the leaf spring through which the filter support body can protrude and seal the opening.

Response to Arguments

Applicant's arguments filed 7/9/03 have been fully considered but they are not persuasive.

Applicant's arguments are directed at the filter support body in the primary ref WO'880. It may please be noted that the parts 29 and 30 forms a support body of the filter (The examiner had indicated it as 21 – which was a typographical error). Part 21 is the housing. The gist of the present

Page 4

invention of closing or opening of a drain port when the filter is respectively positioned in or removed out, as is claimed in the instant claim 1 is taught by the primary reference by parts 23, 24,

and 29.

Conclusion

This action is made NON-FINAL because of the typographical error in the rejection of the previous action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krishnan S Menon whose telephone number is 703-305-5999. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L Walker can be reached on 703-308-0457. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Krishnan Menon Patent Examiner

> W. L. WALKER SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 1700